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16 Attorneys for Defendants
17 CITY AND COUNTY OF SAN FRANCISCO,
18 AND PAUL MIYAMOTO, IN HIS OFFICIAL
19 CAPACITY AS SAN FRANCISCO SHERIFF

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOSHUA SIMON, DAVID BARBER, AND
JOSUE BONILLA, INDIVIDUALLY AND
ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED, DIANA BLOCK,
AN INDIVIDUAL AND COMMUNITY
RESOURCE INITIATIVE, AN
ORGANIZATION,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, PAUL MIYAMOTO, IN HIS
OFFICIAL CAPACITY AS SAN
FRANCISCO SHERIFF,

Defendants.

Case No. 4:22-cv-05541 JST

**DECLARATION OF UNDERSHERIFF
KATHERINE JOHNSON IN SUPPORT OF
MOTION TO MODIFY OR STAY IN PART
PRELIMINARY INJUNCTION**

Judge: Honorable Jon S. Tigar
Courtroom: Courtroom 6, 2nd Floor
Hearing Date: March 21, 2024 (Pending Motion to Shorten Time)
Time: 2:00 p.m.
Date Action Filed: September 8, 2022
Trial Date: Not Set

1 DECLARATION OF UNDERSHERIFF KATHERINE JOHNSON

2 I, KATHERINE JOHNSON, declare as follows:

3 1. I am the Undersheriff at the San Francisco Sheriff's Office ("SFSO"). As Undersheriff,
4 I supervise administration of the Pretrial Electronic Monitoring ("PTEM") Program. Except where
5 otherwise indicated, the following facts are known to me personally, and if called upon as a witness, I
6 would testify to them competently.

7 2. I submit this declaration in support of Defendants' Motion to Modify or Stay in Part
8 Preliminary Injunction and Defendants' Administrative Motion to Shorten Time on Motion to Modify
9 or Stay in Part Preliminary Injunction.

10 3. Based on a review of the SFSO's records by members of the SFSO's staff, I am
11 informed and believe that the Court's injunction as to the warrantless search condition would affect 37
12 PTEM Program participants as of February 15, 2024.

13 4. The SFSO cannot implement the PTEM Program consistent with its public protection
14 mandate without the warrantless search condition.

15 5. For any PTEM Program participants who have not yet been issued a revised EM Order
16 by approximately four days before the injunction comes into effect—February 23, 2024, under the
17 current schedule—the SFSO will need to present affidavit warrants to the Superior Court. The
18 Superior Court will then decide if a warrant shall be issued.

19 6. Since issuance of the preliminary injunction, the SFSO has worked with the Superior
20 Court and District Attorney's Office to try to expedite the pace with which these individuals receive a
21 Superior Court hearing.

22 7. Based on a review of the SFSO's records including upcoming existing court dates in
23 PTEM Program participants' cases, I believe the Superior Court could complete the hearing process
24 for at least a majority of these class members with two additional weeks.

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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Executed on this 16th day of February 2024, at San Francisco, California.

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6 UNDERSHERIFF KATHERINE JOHNSON

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